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## NOTICE OF ALLOWANCE AND FEE(S) DUE

23117 7590 09/23/2008

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

RUTHKOSKY, MARK

ART UNIT

PAPER NUMBER

1795

DATE MAILED: 09/23/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,762	12/12/2003	Kazuo Yamada	900-485	8722

TITLE OF INVENTION: POLYMER BATTERY HAVING THE OUTER PERIPHERIES OF THE SEPARATOR AND NEGATIVE ELECTRODE  
POSITIONED OUTSIDE OF AN OUTER PERIPHERY OF THE POSITIVE ELECTRODE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/23/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23117 7590 09/23/2008

**NIXON & VANDERHYE, PC**  
**901 NORTH GLEBE ROAD, 11TH FLOOR**  
**ARLINGTON, VA 22203**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,762	12/12/2003	Kazuo Yamada	900-485	8722
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**TITLE OF INVENTION: POLYMER BATTERY HAVING THE OUTER PERIPHERIES OF THE SEPARATOR AND NEGATIVE ELECTRODE POSITIONED OUTSIDE OF AN OUTER PERIPHERY OF THE POSITIVE ELECTRODE**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/23/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
RUTHKOSKY, MARK	1795	429-122000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev. 03-02 or more recent) attached. Use of a **Customer Number** is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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10/733,762	12/12/2003	Kazuo Yamada	900-485	8722
23117	7590	09/23/2008	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			RUTHKOSKY, MARK	
			ART UNIT	PAPER NUMBER
			1795	

DATE MAILED: 09/23/2008

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 607 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 607 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/733,762

**Applicant(s)**

YAMADA ET AL.

**Examiner**

Mark Ruthkosky

**Art Unit**

1795

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/7/2008.
2. ☒ The allowed claim(s) is/are 1,7,8 and 11-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 10/16/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Mark Ruthkosky/  
Primary Examiner, Art Unit 1795

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The rejection of claims 12 and 15 under 35 U.S.C. 112, first paragraph, has been overcome by applicant's amendment to the claims.

***Claim Rejections - 35 USC § 103***

The rejection of claims 1, 7-8, 11, 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al. (US 5,415,954), in view of Pasquier (JP 2000-133312) has been overcome by applicant's amendment to the claims.

The rejection of claims 13 and 16 under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al. (US 5,415,954) in view of Pasquier (JP 2000-133,312), and further in view of Rouillard et al. (US 6,120,930) has been overcome by applicant's amendment to the claims.

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The application has been amended as follows:

At the end of claim 19, please delete (see page 18, first paragraph.)

At the end of claim 20, please delete (page 22, lines 13-22.)

Cancel non-elected claims 5-6

***Allowable Subject Matter***

Claims 1, 7-8, 11-23 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant claims are to a polymer battery comprising: at least one layer of a positive electrode, the positive electrode being in thin film form and comprising a positive active material layer formed on a positive electrode collector; at least one layer of a separator retaining a polymer electrolyte; and at least one layer of a negative electrode, the negative electrode being in thin film form and comprising a carbon material as an active substance; wherein an entirety of the outer peripheries of the separator and of the negative electrode is positioned outside of an outer periphery of the positive electrode except for a collector tab provided to the positive electrode, so as to protrude from one side of the positive electrode; wherein an outer periphery of the separator is positioned outside of an outer periphery of the positive electrode, and an outer periphery of the negative electrode is positioned outside of the outer periphery of the separator; and wherein a distance D1 between an end of the negative electrode and an end of the positive electrode is greater than a distance D2 between the end of the negative electrode and an end of the separator, and wherein the positive electrode, the negative electrode and the separator, which retain a polymer electrolyte have adhesiveness for retaining their own weight.

It is noted that support for a description of the limitation, "wherein the positive electrode, the negative electrode and the separator, which retain a polymer electrolyte have adhesiveness for retaining their own weight" is found on page 18, first paragraph.

The prior art does not teach a polymer battery, including all the limitations as claimed, wherein an entirety of the outer peripheries of the separator and of the negative electrode is positioned outside of an outer periphery of the positive electrode except for a collector tab provided to the positive electrode, so as to protrude from one side of the positive electrode; wherein an outer periphery of the separator is positioned outside of an outer periphery of the positive electrode, and an outer periphery of the negative electrode is positioned outside of the outer periphery of the separator; and wherein a distance D1 between an end of the negative electrode and an end of the positive electrode is greater than a distance D2 between the end of the negative electrode and an end of the separator, and wherein the positive electrode, the negative electrode and the separator, which retain a polymer electrolyte have adhesiveness for retaining their own weight.

The most pertinent prior art has been noted. For example, Gauthier et al. (US 5,415,954) teaches a polymer battery having at least one layer of a positive electrode, at least one layer of a polymer electrolyte retained by a separator and at least one layer of a negative electrode, each of which is in a thin film form, stacked in this order (see figure 4 and col. 10.) Figure 1 discloses that the electrodes may be stacked or wound to form a battery (figure 1h, col. 6, lines 10-17.) The electrodes are taught to be in a rectangular, strip shape (see the figures, col. 9, line 20 to col. 10, line 60.) The negative electrode may include a collector tab that protrudes from the electrode (see figure 1c.) The polymer electrolyte separates the positive electrode from the negative electrode. The entirety of the outer peripheries of the separator and of the negative electrode is positioned outside of the outer periphery of the positive electrode except for a collector tab provided to the positive electrode so as to protrude from one side of the positive electrode (see

the figures, the corresponding text and specifically figure 4.) The following relationship is satisfied in a portion of the outer peripheries of the separator and of the negative electrode: the length between the end of the negative electrode and the end of the positive electrode ( $D1$ ) > the length between the end of the negative electrode and the end of the separator ( $D2$ ) (see figure 4B, for example.)

Further, Rouillard et al. (US 6,120,930) teaches a polymer battery having at least one layer of a positive electrode, at least one layer of a polymer electrolyte retained by a separator and at least one layer of a negative electrode, each of which is in a thin film form, stacked in this order (see figure 1 and cols. 3-4.) The following relationship is satisfied in a portion of the outer peripheries of the separator and of the negative electrode: the length between the end of the negative electrode and the end of the positive electrode ( $D1$ ) > the length between the end of the negative electrode and the end of the separator ( $D2$ ). The reference teaches a polymer battery wherein the two sides of the positive electrode are provided with polymer electrolytes, respectively, retained by separators.

The cited references do not teach that an entirety of the outer peripheries of the separator and of the negative electrode is positioned outside of an outer periphery of the positive electrode except for a collector tab provided to the positive electrode, so as to protrude from one side of the positive electrode; wherein an outer periphery of the separator is positioned outside of an outer periphery of the positive electrode, and an outer periphery of the negative electrode is positioned outside of the outer periphery of the separator; and wherein a distance  $D1$  between an end of the negative electrode and an end of the positive electrode is greater than a distance  $D2$  between the end of the negative electrode and an end of the separator, and wherein the positive



electrode, the negative electrode and the separator, which retain a polymer electrolyte have adhesiveness for retaining their own weight. For these reasons, the claims are allowed.

Comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Examiner Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free.)

/Mark Ruthkosky/

Primary Examiner, Art Unit 1795